

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**DARNELLE FLORENCE**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:04cv867LG-JMR**

**JAMES HOLDEN AND RITH LUMPKIN**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

This cause comes before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on July 20, 2006. The court record reveals that Plaintiff has neither filed a response to Defendants' Motion, nor has he filed objections to the Magistrate's recommendations; therefore, the Court finds that the Magistrate Judge properly recommended that Defendant's Motion for Summary Judgment be granted pursuant to Rule 56 of the Federal Rules of Civil Procedure. After referral of hearing by this Court, no objections having been filed as to the Proposed Findings of Fact and Recommendations, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Proposed Findings of Fact and Recommendations should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendation of Chief Magistrate Judge John M. Roper entered on or about July 20, 2006, [20-1] be, and the same hereby is, adopted as the finding of this Court. A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED AND ADJUDGED** this the 10<sup>th</sup> day of August, 2006.

*s/ Louis Guirola, Jr.*  
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LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE